



Committee on City Property

May 10, 2007 – 6:37 pm – **Minutes**

Councillor William Saltzman Antechamber, Room 213

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PRESENT: COUNCILLORS LINDA MORAD, CHAIRPERSON; JANE GONSALVES, VICE-CHAIRPERSON; JOHN SAUNDERS

ABSENT: COUNCILLORS DENIS LAWRENCE, JR.; VIOLA PINA

ALSO PRESENT: Attorney's David Gerwatowski and Jane Medeiros Friedman and Ron Labelle

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Councillor Morad called the meeting to order and took attendance.

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Notice, City Clerk of reference of a COMMUNICATION, Michael Campana, Testa Corporation to Mayor Lang, respectfully withdrawing their offer to purchase the New Bedford Lightship was received and placed on file.

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Councillor Morad asked the Clerk to read the second communication.

Notice, City Clerk of reference of a Communication to Mayor Lang from Conrad H. Roy, President Sea Roy Enterprises, Inc., submitting the proposal of Sea Roy Enterprises, Inc. for the removal of the New Bedford Light Ship in the amount of \$10,000. This communication was received and placed on file.

Councillor Saunders had concerns about what would happen if Sea Roy Enterprises, Inc. did not do everything they are promising to do in their proposal. He was concerned about whether or not the City would have any recourse.

Attorney Jane Medeiros Friedman informed the Committee that Title would pass prior to anything being done, absolving the City of any liability.

Councillor Gonsalves asked if the City could put conditions on the purchase and sale agreement.

Attorney Gerwatowski stated that if the City or another party is wronged in some manner by the ship, then the new owner could be sued for damages or for breach of contract if they do not hold to the agreement. The Solicitor's Office should write a contract that the Committee is comfortable with and then simply hold the buyer to it.

Ron Labelle informed the Committee that anyone who purchases and removes/tows the ship away is required to meet the Coast Guard's Dead Ship Order, and they are answerable to the Coast Guard. If anything goes wrong, it is between the new owner and the Coast Guard.

Councillor Morad asked, "what if it sinks after title passes?" Attorney Friedman replied, "It's the new owner's problem, legally and financially because it is his property."

Councillor Morad asked if it is possible to give a time constraint about moving the ship once the \$10,000 changes hands.

Attorney Gerwatowski recommended setting a certain number of days from when the title passes to when the ship is moved, and, if not, then the ship reverts back to the City, and the \$10,000 also remains with the City, the buyer loses money due to breach of contract.

On motion, by Councillor Saunders, the Committee VOTED: That the City accept Sea Roy Enterprises, Inc.'s proposal to purchase the New Bedford Light Ship for \$10,000 according to its proposal, in addition to the following condition that Sea Roy has ten (10) days to take the transfer of the title, and then has an additional fourteen (14) days from transfer of title to remove the ship. This motion passed on a voice vote.

This meeting adjourned @ 6:50 pm.

ATTEST:

Clerk of Committees